



A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred, NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied

ACTION AGENDA

Hickory City Council
76 North Center Street

February 15, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Cliff Moone, Retired United Church of Christ Minister
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Proclamation for Family Support Awareness Month – Presented to Libby Throckmorton, Catawba County Partnership for Children; Cindy Boger, Lead Parent Educator with the Parents as Teachers Program; Tim Sims, Federal Programs Director with Hickory Public Schools (and Supervisor of the Parents as Teachers Program); Members of the Parents as Teachers team, Kristen Blackwell, Sarah Wilson, and Shelley Woody. **(Exhibit IV.A.)**

Mayor Guess read and presented the Proclamation for Family Support Awareness Month.
- V. Persons Requesting to Be Heard
- A. Mr. Ed Thomas, 3115 47th Avenue Lane NE, Hickory addressed City Council. He advised the last meeting he was at was a Planning meeting and he indicated that some of the procedures that were taken did not seem to coincide with what was in the Land Use Plan. Since that time, he had found something that was on Hickory's site that referred to zoning information and the process for that was what he thought was being used. The two methods, one in the Land Use Plan and one on this rezoning information were completely different. He asked if this had been formalized as part of the code even though the code was relatively new.
- VI. Approval of Minutes
- A** A. Regular Meeting of February 1, 2022. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
- A2** A. Budget Revision Number 12. **(First Reading Vote: Unanimous)**
- A2** B. Budget Revision Number 13. **(First Reading Vote: Unanimous)**
- A2** C. Consideration of Proposed Amendments to Chapter 21, Sections 21-8, 21-9, and 21-11 of the Hickory Code of Ordinances. **(First Reading Vote Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

- A A.** Approval to Apply for the 2022 Urgent Repair Program (URP22) through the North Carolina Housing Finance Agency (NCHFA). **(Exhibit VIII.A.)**
- Staff requests approval to apply for 2022 Urgent Repair Program (URP22) through the North Carolina Housing Finance Agency (NCHFA). The Urgent Repair Program provides funding in the form of a forgivable loan to low and extremely low-income homeowners with special needs at a maximum of \$12,000 per dwelling unit. The City has applied for these funds numerous times in recent years. During the 2020-2021 fiscal year ten homeowners received home repairs through the program. Staff plans to apply for \$75,000 of funding through the program. This funding will assist at least eight eligible homeowners with repairs. The City of Hickory will provide \$5,000 in matching funds. This is available from program income that was received through the former Rental Rehabilitation Program. The Urgent Repair Program funds will be used to supplement the City's Community Development Block Grant Housing Rehabilitation Loan Program, which generally works on larger projects with families that have slightly higher income. Staff will prepare an application that incorporates program requirements, applicant eligibility standards, and program capabilities. Upon approval by City Council, the application will be submitted with the required \$75 application fee to the NCHFA. Staff recommends City Council's approval to apply for the 2022 Urgent Repair Program through the North Carolina Housing Finance Agency.*
- A B.** Approval of a Community Appearance Grant for Non-Residential Property Owned by Century Leasing, LLC located at 401 11th Street NW in the Amount of \$7,500. **(Exhibit VIII.B.)**
- The Community Appearance Commission recommends City Council approval of a Community Appearance Grant for non-residential property owned by Century Leasing, LLC located at 401 11th Street NW in the amount of \$7,500. City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves the painting of the building's exterior. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant. The applicant provided two estimates, the low estimate for the work totals \$19,466. The subject property's current tax value is assessed at \$1,727,800. The requested grant amounts to 0.43 percent of the property's tax value. The application was reviewed by the Community Appearance Commission and scored 30 points out of a possible 36 points, which placed the application into the high category of scoring. Given the score, The Commission unanimously recommends funding of the grant application in the amount of \$7,500.*
- A/PH C.** Call for a Public Hearing for Consideration of a Voluntary Non-Contiguous Annexation of 47.40 Acres of Property Located on Section House Road between 34th Street Place NE and Sipe Road, PIN 3723-08-89-6240. **(Authorize Public Hearing for March 1, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.) (Exhibit VIII.C.)**
- A D.** Approval of a Three-Year Auditing Contract with Martin Starnes & Associates. **(Exhibit VIII.D.)**
- Staff requests approval to accept a three-year contract for auditing services with Martin Starnes & Associates. Martin Starnes & Associates was established in 1987 and has continued to grow with offices in Hickory and Taylorsville. Their Hickory office offers a convenient location for City of Hickory staff to work with MSA accounting personnel. Martin Starnes & Associates sponsors a variety of North Carolina Government Finance Officer events throughout the state and has become a leader in their work with local governments.*

The City of Hickory has utilized the services of Martin Starnes & Associates for the past ten years with excellent results. Martin Starnes & Associates was also contracted to produce the City's Comprehensive Annual Financial Report. The North Carolina Local Government Commission (LGC) does not enforce formal bid requirements for auditing services due to the professional relationship formed between auditors and clients over an extended work history. The Secretary of the Local Government Commission approves all local government contracts for audit or audit-related work. Martin Starnes & Associates offers a competitive rate for their services and is widely known for their professional staff and service throughout the local government community. The proposed fees for the City for fiscal years ending June 30, 2022 – 2024 are as follows: 2022 - \$64,200; 2023 - \$67,410; 2024 - \$70,780; plus, single audit fees of \$3,500 per major program in excess of three. Staff recommends approval to accept a three-year contract for auditing services with Martin Starnes & Associates.

A1 E. Budget Revision Number 14. (Exhibit VIII.E.)

1. *To appropriate \$494.11 from an insurance claim reimbursement towards Landscaping operations for Fleet repair work that was done on a trailer. The check was issued on 1/14/22.*
2. *To appropriate \$79.98 in Library revenues towards a refund for a Library patron.*
3. *To appropriate \$1255.87 from the General Fund towards the Police Department for BLET tuition reimbursement from former police officers.*
4. *To appropriate \$497,559 in Catawba County Revenue funds for reimbursement to the City for infrastructure related to the Fire Department's Training Facility. The City of Hickory and Catawba Valley Community College (CVCC) are partnering on this project to enhance CVCC's Public Safety Training Center.*

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

- A**
1. **Consideration of a Voluntary Non-Contiguous Annexation of 13.384 Acres of Property Located Between 47th Avenue Place NE and 48th Avenue Lane NE, PIN 3735-13-02-2954. - Presentation by Planning Director Brian Frazier. (Exhibit XI.A.1.)**

Consideration of the voluntary non-contiguous annexation of 13.384 acres of property located on Sulphur Springs Road between 47th Avenue Place NE and 48th Avenue Lane NE, identified as PIN 3735-13-02-2954. D&J Properties North Carolina, LLC has petitioned for the voluntary non-contiguous annexation of 13.348 acres of property located on Sulphur Springs Road between 47th Avenue Place NE and 48th Avenue Lane NE. The subject property is currently located within Catawba County's jurisdiction and zoned R-20 Residential. The annexation is being requested to gain access to City services. The subject property is currently zoned R-20 Residential by Catawba County and is 13.384 acres in total size. The current county R-20 zoning district permits residential uses at a density of two dwelling units per acre. The subject property is currently vacant; however, the intention is to develop the property for the construction of forty-two single-family attached dwellings (townhomes). This amounts to approximately three dwelling units per acre. The current tax value of the property is \$93,700. If annexed with its present value, the property would generate additional tax revenues of \$587. The owners have indicated the selling price for the forty-two units would be between \$300,000 and \$325,000. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on February 4, 2022.

- A1** 2. Consideration of Rezoning Petition Number 21-07 for 13.384 Acres of Property Located on Sulphur Springs Road between 47th Avenue Place NE and 48th Avenue Lane NE from Catawba County R-20 to Planned Development (PD). – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

D&J Properties NC, LLC has submitted a petition requesting the consideration of rezoning property located on Sulphur Springs Road between 47th Avenue Place NE and 48th Avenue Lane NE from Catawba County R-20 to Planned Development (PD). The 13.384-acre property is zoned R-20 Residential by Catawba County and is in the process of being annexed. The R-20 zoning district permits residential uses at a density of two dwelling units per acre. The property is vacant; however, the owners intend to construct forty-two single-family attached dwellings (townhomes). This amounts to approximately three dwelling units per acre. The Hickory Regional Planning Commission conducted a public hearing on December 1, 2021, to consider the petition. During the public hearing, the property owner and the project engineer gave an overview of the proposal. During the hearing one nearby residential spoke but was not in opposition of the petition. The neighboring residents spoke in opposition of the petition citing property values and drainage. Upon hearing from the petitioner and surrounding residents, the Planning Commission kept the public hearing open and continued consideration until January 26, 2022. On January 26, 2022, the Planning Commission resumed the public hearing. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon these findings, the Hickory Regional Planning Commission voted unanimously (7-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on February 4 and February 11, 2022.

- A1** 3. Consideration of Rezoning Petition Number 22-01 for 55.49 Acres of Property Located on Spencer Road between 30th Street Court NE and 31st Street Court NE from Hickory R-1 Catawba County R-20 to Hickory R-2 Residential. – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.3.)**

Margaret H. Glaze, Josephine Bonniwell Hambrick Revocable Trust & Robert T. Hambrick, III Trust have submitted a petition requesting the consideration of rezoning property located on Spencer Road between 30th Street Court NE and 31st Street Court NE from Hickory R-1 Catawba County R-20 to Hickory R-2 Residential. The 55.49-acre property is zoned R-1 Residential by Hickory and R-20 Residential by Catawba County and was recently annexed. Both zoning districts permit residential uses at a density of two dwelling units per acre. The subject property is currently vacant; however, the owners' intention is to develop the property for the construction of detached single-family residences. While preliminary development plans have not been provided, the theoretical maximum development yield under R-2 zoning could result in +/-200 residential homes. The Hickory Regional Planning Commission conducted a public hearing on January 26, 2022, to consider the petition. During the public hearing, the design engineer provided the Commission with a brief overview of the owners' future intentions. No other spoke in support of or in opposition of the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (7-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on February 4 and February 11, 2022.

B. Departmental Reports

NA 1. Crime Statistics Report – Presentation by Hickory Police Department

NA 2. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area

VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

Differently Abled (Council Appoints)

Beth Whicker

(Not Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

At-Large (2)(Council Appoints)

Mary Moorer

(Eligible for Reappointment/Does Not Wish to Serve Again)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 3 (Seaver Appoints)

VACANT

(Beth Schauble Resigned 11-10-2021)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (D. Williams Appoints)

VACANT

At-Large (Mayor Appoints) (Harold Humphrey Resigned 11-4-2021)

VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 6 (Patton Appoints) (Lona Hedrick Resigned 1-11-2022)

VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard

VACANT

Homeschool

VACANT

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

<p>The City of Hickory holds all public meetings in accessible rooms. Special requests for accommodation should be submitted by individuals with disabilities at least 48 hours before the scheduled meeting. Phone Services (hearing impaired) – Call 711 or 1-800-735-2962</p>
